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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,378	10/26/2001	Aravind Soundararajan	US010555	4623
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EXAMINER PARRY, CHRISTOPHER L				
ART UNIT 2421		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/043,378

Applicant(s)

SOUNDARARAJAN, ARAVIND

Examiner

CHRIS PARRY

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Reopening of Prosecution After Board Decision

1. New evidence has been discovered which indicate nonpatentability of the appealed claims as to which the examiner was reversed. Approval to reopen prosecution under 37 CFR 1.198 for the purpose of entering the new rejection has been submitted to the Technology Center 2400 Director and has been approved. See MPEP § 1002.02(c) and MPEP § 1214.07.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject

matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, 7, 9, 12, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson (USPN 7,299,484 B2).

Regarding Claim 1, Thompson discloses in a television system (100 – figure 1) capable of selectively displaying program input from a plurality of programming channels (i.e., a plurality of channels received from media program source 106), a system for enhanced programming channel-selection control (Col. 1, lines 41-57), said system comprising:

a selector (124 – figure 1) for selecting the programming input to process for display (i.e., tuner 124 selects a channel carrying a media program of interest on a signal from one or more of the media program sources 106) (Col. 3, lines 5-21);

a timer (i.e., internal to processor 126) for timing the amount of time each channel is selected for display (i.e., the processor 126 shown in figure 1 implements a timer for determining a duration of a time period during which each channel is tuned) (Col. 1, lines 49-57; Col. 4, lines 7-13; and Col. 5, lines 36-48);

a database (i.e., memory within the processor 126) for recording channel-selection durations (Col. 4, lines 7-13 and Col. 1, lines 49-57);

a processor (126 – figure 1) in communication with the database (i.e., memory may be stored within processor 126 or communicatively coupled thereto; Col. 4, lines 7-16) for periodically compiling a program selection control list (i.e., new channel schedules can be computed after a specified or adaptive time period has elapsed; Col. 3, line 57 to Col. 4, line 13 and Col. 5, lines 5-13), wherein the program selection control list includes channels selected and assigned weight values relative to other listed channels (i.e., most recent viewing times are given more importance), said weighted values calculated according to a pre-determined algorithm (i.e., $T_{Accumulated\ Channel\ N}$ EQ(1)) from the channel-selection durations stored on the database (i.e., timer values for each channel are weighted according to most recent viewing times such that time duration from previous scans are given lower weights) (Col. 5, line 27 to Col. 6, line 13 and Col. 1, lines 49-57).

As for Claim 2, Thompson teaches wherein a higher weight value is assigned to channels having greater timed viewing durations (i.e., channels are prioritized according to the length of the time periods associated with each channel) and wherein the channels listed on the program selection control list are listed beginning with the channel having the highest relative weight value (i.e., the channels are ordered so that the channel associated with the longest time period is presented first) (Col. 4, line 38 to Col. 5, line 4 and Col 5, lines 49-64).

As for Claim 3, Thompson teaches the system of claim 1, further comprising a viewer preference profile (Col. 4, lines 20-29).

As for Claim 6, Thompson teaches wherein the system [100] is capable of generating and storing a plurality of program selection control lists (i.e., receiver 102 stores time durations and other information for a plurality of individual users, thus each user has access to a customized channel schedule 306 or "program selection control list") (Col. 4, lines 7-29).

As for Claim 7, Thompson teaches wherein the processor [126] determines which of the program selection control lists to apply to the channel selection process (i.e., since each user has their own customized schedule, receiver 102 identifies each user beforehand, thus processor can determine which channel schedule or "program selection control list" to apply) (Col. 4, lines 20-29).

As for Claim 9, Thompson teaches wherein the system is configurable for individual use by more than one viewer (i.e., time durations and other information can be stored for a plurality of users), and wherein the processor [126] uses a viewer identity (i.e., each user has an explicit user input ID) as a factor in determining which program selection control list to use (Col. 4, lines 20-29).

Regarding Claim 12, Thompson discloses a method for enhancing channel selection (figure 4) in a television system (100 – figure 1) capable of displaying a program selected from a plurality of available program channels (media program source 106 – figure 1), said method comprising:

maintaining a viewing-history record of the amount of time each displayed program channel is displayed by the television system (i.e., television system comprises processor 126, communicatively coupled to a memory, the processor implementing a timer for determining a duration of a time period during which each channel is tuned and storing each tune duration within memory) (Col. 4, lines 7-13; and Col. 1, lines 49-57);

ranking each displayed channel relative to the other displayed channels according to the display time in the viewing-history record (i.e., the schedule of channels is prioritized according to the duration of the time period during which each channel is tuned) (Col. 4, lines 17-19; Col. 4, lines 51-64 and Col. 1, lines 49-57; and

creating a program selection control list (306B,306C - figure 3) for one of a plurality of viewers (i.e., time durations and other information can be stored of a plurality

of individual users) based on the displayed channel ranking (Col. 4, lines 17-29 and Col. 4, line 51 to Col. 5, line 13).

As for Claim 15, Thompson teaches wherein the step of creating a program selection control list comprises creating a plurality of program selection control lists (506A and 506B – figure 5) (i.e., the schedule of channels can be segregated into a first (A) list of channels that the user wishes to return to and a second (B) list of channels that are not of interest to the user) (figures 5 and 6; Col. 6, lines 14-18).

As for Claim 16, Thompson teaches the method of claim 15, further comprising the step of determining, upon receiving a control list invoke signal (i.e., processor 126 receives a channel up or channel down command), the appropriate program selection control list to use (i.e., if a down-channel command (-) is received, then channels from the "A" schedule list 506A is selected, likewise if an up-channel command is received, then a channel from the "B" schedule list 506B is selected) (figures 5 and 6; Col. 6, lines 18-32).

As for Claim 17, Thompson teaches the method of claim 12, further comprising the step of updating the program selection control list (i.e., channel schedule 306 can be computed after a specified or adaptive time period has elapsed) (Col. 5, lines 5-13 and Col. 3, line 57 to Col. 4, line 13).

As for Claim 18, Thompson teaches the method of claim 17, further comprising the step of creating a preference profile (i.e., each user has preferences stored under their user input ID) based on viewer input (i.e., monitor channel selections), the profile containing an update mode selection (i.e., the user can continue to maintain his/her channel schedule or may optionally choose to reset the current schedule to the baseline schedule), and wherein the program selection control list is updated according to the selected update mode (i.e., if the user does not reset the channel schedule, then the channel schedule is updated accordingly to display channels viewed for the longest period of time first) (Col. 4, line 38 to Col. 5, line 26).

As for Claim 19, Thompson discloses the method of claim 12, further comprising pausing the maintenance of the viewing-history record (i.e., when receiver 102 is deactivated, the user's channel sequences are saved and the viewing history cannot be modified while the receiver is deactivated) (Col. 5, lines 14-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Williams et al. "Williams" (USPN 5,977,964).

As for Claim 4, Thompson fails to specifically disclose wherein the viewer preference profile comprises automatically generated viewer-preference information.

In an analogous art, Williams teaches wherein the viewer preference profile (i.e., user's profile is stored in user profile database 800) comprises automatically generated viewer-preference information (i.e., system controller 104 monitors and logs each of the user inputs received by the entertainment center and updates the user preference information found in the appropriate records of the user profile) (Col. 5, lines 52-64 and Col. 8, lines 14-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Thompson to include wherein the viewer preference profile comprises automatically generated viewer-preference information as taught by Williams for the benefit of automatically configuring a user's system to facilitate an improved viewing experience.

As for Claim 5, Thompson fails to specifically disclose wherein the processor generates an adjusted program selection control list by applying information stored on the viewer preference profile to the program selection control list.

In an analogous art, Williams teaches wherein the processor (system controller 104 – figure 1) generates an adjusted program selection control list by applying information stored on the viewer preference profile to the program selection control list (i.e., system controller 104 uses information stored in user profile database 800 to facilitate ordering the channels on the television schedule grid based on the user's preferences) (Col. 7, lines 31-58). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the system of Thompson to include wherein the processor generates an adjusted program selection control list by applying information stored on the viewer preference profile to the program selection control list as taught by Williams for the benefit allowing a user to locate and tune to channels of interest in an easier and faster way.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Herz et al. "Herz" (USPN 5,758,257).

As for Claim 8, Thompson fails to specifically disclose the system of claim 7, further comprising a clock for determining the day and time, and wherein the processor uses clock data as a factor in determining which program selection control list to use.

In an analogous art, Herz discloses a clock (910 – figure 9) for determining the day and time (i.e., a record of the time of day is stored in clock 910), and wherein the processor (906 – figure 9) uses clock data as a factor in determining which program selection control list to use (i.e., processor accordingly instructs channel selector 912 to tune to the channels of programming that matches the user's mood) (Col. 45, lines 8-55 and Col. 17, lines 27-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Thompson to include a clock for determining the day and time, and wherein the processor uses clock data as a factor in determining which program selection control list to use as taught by Herz for the benefit of displaying programming that matches user's moods during specific time windows.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Goldschmidt Iki et al. "Iki" (USPN 6,594,825).

As for Claim 10, Thompson fails to specifically disclose wherein the selector uses the program selection control list to determine which programming input to select for display.

In an analogous art, Iki discloses wherein the selector (program selection controller 208 - figure 2) uses the program selection control list (EPG 212 - figure 2) to determine which programming input to select for display (i.e., program selection controller 208 receives the user's channel selection, identifies all version of the selected program, and using the user's preferences, program selection controller 208 selects the appropriate source for the selected program) (Col. 5, lines 55-63, Col. 6, lines 35-53, and Col. 7, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thompson to include wherein the selector uses the program selection control list to determine which programming input to select for display as taught by Iki for the benefit of viewing a requested program and accessing the user's preferences to determine the user's preferred viewing source.

As for Claim 11, Thompson and Iki disclose, in particular Iki teaches wherein the selector [208] successively uses a plurality of program selection control lists [212] to determine which programming input to select for display (i.e., process in figure 3 is

repeated each time a user makes a programming selection) (Col. 5, lines 55-63 and Col. 7, lines 19-28).

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Price et al. "Price" (USPN 7,296,284).

As for Claim 13, Thompson fails to specifically disclose wherein the viewing-history record also includes information relating to the time of day during which the displayed program was displayed.

In an analogous art, Price discloses wherein the viewing-history record (user profile 163 – figure 3) also includes information relating to the time of day during which the displayed program was displayed (i.e., user-specific user profile 163 represents the channels the user prefers and at what time of day the user watches the channel) (Col. 6, lines 14-37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thompson to include wherein the viewing-history record also includes information relating to the time of day during which the displayed program was displayed as taught by Price for the benefit of learning the user's viewing preferences and configuring the system to match the user's preferences.

As for Claim 14, Thompson fails to specifically disclose wherein the viewing-history record also includes information relating to the day of the week during which the displayed program was displayed.

In an analogous art, Price discloses wherein the viewing-history record (user profile 163 – figure 3) also includes information relating to the day of the week during which the displayed program was displayed (i.e., user-specific user profile 163 represents the channels the user prefers and the day of the week the user watches the channel) (Col. 6, lines 14-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thompson to include wherein the viewing-history record also includes information relating to the day of the week during which the displayed program was displayed as taught by Price for the benefit of learning the user's viewing preferences and configuring the system to match the user's preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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